



**TOWN OF BELMONT  
OFFICE OF COMMUNITY DEVELOPMENT**

Homer Municipal Building  
19 Moore Street  
Belmont, Massachusetts 02478

Telephone: (617) 993-2666      Fax: (617) 993-2651

**SPECIAL PERMIT and  
DESIGN AND SITE PLAN APPROVAL PROCESS**

**Two-Family Dwellings in the General Residence Zoning Districts**  
(August 20, 2014)

A two-family dwelling in a General Residence Zoning District requires a (1) Special Permit and (2) Design and Site Plan Review from the Planning Board. Additional Special Permits may be required depending on what you are doing and the size and frontage of your lot. This process includes a formal public hearing and can take up to six (6) months to complete. The following is an outline of this process based on the Town's Zoning By-Law and Massachusetts General Law, Chapter 40A.

1. Submit your building plans to the Office of Community Development Building Division in order to receive a **Building Permit Denial Letter**.

The Building Permit Denial Letter initiates this process and reviews your project to see whether or not it conforms to the dimensional regulations contained within Section 4.2 of the Zoning By-Law. If your project creates dimensional violations, additional Special Permits and/or Variances may be required. Office of Community Development (CD) Staff will help you understand what Special Permits and/or Variances are required for your project.

2. **Make an appointment with CD Staff** to review this process and your building plans. This may include discussing other construction options to achieve your goals.
3. **Meet with abutters to discuss your project.** The Town's Zoning By-Law requires consultation with those that will be substantially impacted by your proposed project.

CD Staff will provide you with the map and the names and addresses of the property owners within 300' of your property. Reaching out to your abutters often

enables issues and concerns about your project to be discussed and resolved prior to the public hearing, and results in a more orderly hearing.

4. **File ten (10) copies of your application and other required documents** with the Office of Community Development. See attached "Application Submission Requirements" for further information about what information that you must include with your application.

In order to meet the public hearing notice requirements, all application materials must be submitted approximately 4 weeks in advance of the public hearing. Public hearings are scheduled on a first come first serve basis and will be scheduled once the application is deemed complete.

The Planning Board meets on the first and third Tuesday of each month. The deadlines for submitting applications for the Planning Board meetings will be provided to you during your meeting with CD Staff.

5. The Office of Community Development will **distribute the complete application to other Town departments** and/or committees as appropriate, including, but not limited to, the Health, Fire and Police Departments, Department of Public Works, and the Conservation and Historic District Commissions.
6. **Notice of the public hearing** will be mailed by the Office of Community Development to abutters within 300' of your property.

This notice indicates when and where the public hearing will occur, describes the zoning relief that you requested, and provides a brief description of your project.

7. **You are required to attend the public hearing** and to give a brief presentation on your project, reviewing what you submitted in the application.

During the public hearing, the PB will take input on your project from the audience, both in opposition and in support. The public hearing may be continued depending on whether you can answer all of the questions posed to you during the public hearing.

8. **The Planning Board has up to ninety (90) days** from the close of your public hearing to render and to file a written decision with the Town Clerk.

The decision may be made either at the end of the night after all the public hearings have been heard or at the Board's next regularly scheduled meeting. This depends on several factors: the complexity of your application, whether or not your project is controversial, and how late it is when the Planning Board begins its deliberations.

9. **A 20 day appeal period** follows the filing of the decision, whether or not your application is granted or denied.  
The Special Permit decision is held until the appeal period has expired. An appeal of the Planning Board decision to a court of law can be filed by any aggrieved person, including you.

If a decision has been appealed then the Special Permit is held pending the resolution of the appeal.

10. **After the appeal period has expired, the approved Special Permit must be certified with the Town Clerk and filed at the Registry of Deeds.**

The Registry will give you a copy of the decision stamped with the book and page number on it and a receipt, both of which must be filed with the PB.

Please note:

- a. A building permit will not be reviewed or issued until the decision is filed at the Registry of Deeds and proof of its filing is submitted to the PB.
- b. The granted Special Permit is not the building permit – a new building permit application will need to be filed after the decision is recorded at the Registry.

A Special Permit is good for two years. If this permit expires and you wish to proceed with your construction, a new Special Permit will have to be issued requiring a new public hearing process.

If you have any questions about this process, please do not hesitate to contact Jeffrey Wheeler, Senior Planner, at 617-993-2666 or at [jwheeler@belmont-ma.gov](mailto:jwheeler@belmont-ma.gov).

## **APPLICATION SUBMISSION REQUIREMENTS**

In order for your application to be considered complete, you must submit **TEN (10) COPIES** of the following information. A public hearing will be scheduled once your application has been deemed complete.

1. The **Building Permit Denial Letter**;
2. The appropriate **Applications** (attached);
3. A **narrative statement** describing your proposal and its potential impacts on its abutters and the neighborhood. The statement should include the following:
  - a. Describe the proposed structure, including architectural style, approximate size, lot coverage, number of bedrooms, landscaping, open space, etc.;
  - b. Compare the proposed structure with the existing structure, including architectural style, size, lot coverage, number of bedrooms, landscaping, open space, etc.; and,
  - c. Compare the proposed structure with those in the neighborhood, including architectural style, size, lot coverage, number of bedrooms, landscaping, open space, etc.;

Please address the standards contained within Sections 6D and 7.4 (attached); and,

If your proposed two-family includes constructing an addition onto a nonconforming structure, please address how the addition onto your home will not be substantially more detrimental than the existing nonconforming structure to the neighborhood and that it will be in keeping with the character of the neighborhood in which it is located;

4. **Elevations and interior layout plans** at a scale of  $1/8" = 1'$  or other appropriate scale. All spaces and dimensions must be clearly labeled on the plans;
5. **Site Plans** at a scale of  $1"=20'$  prepared and stamped by a professional engineer (P.E.) or a Registered Professional Land Surveyor (RPLS). (The Board may approve another scale or waive the PE/RPLS requirement in specific circumstances.)

The plans shall show the following:

- a. New buildings, additions, adjacent structures;

- b. Streets, sidewalks and crosswalks;
  - c. Existing and proposed landscape features and open spaces, including, existing and proposed walls, fences, outdoor lighting, street furniture, new paving and ground surface materials;
  - d. Points of vehicular and pedestrian access/egress;
  - e. All utilities, easements or service facilities, insofar as they relate to the project;
  - f. Proposed site grading, including existing and proposed grades at property lines; and,
  - g. Photographs or other readily available data concerning the location and size of structures on lots adjacent to or visible from the lot under consideration;
- 6. The proposed **method of stormwater removal**;
  - 7. A **Certified Plot Plan** less than six (6) months old;
  - 8. **Zoning Compliance Check List** (attached) completed and stamped by the surveyor who drafted the plot plan;
  - 9. A **total fee of \$300.00** submitted as two checks (only one fee per project):
    - a. **\$150** to the "Town of Belmont" to cover administrative expenses; and,
    - b. **\$150** to the "Town of Belmont" to pay for the legal advertisements.

Please note: an additional \$50 is required if your property is located within 300' of a surrounding town (Arlington, Cambridge, Lexington, Waltham or Watertown).

Additional materials, such as:

- 1. **Neighborhood letters or a petition** of those who do not object to the proposed project; and,
- 2. **Anything else** that you feel is relevant to your application, i.e., pictures, etc.

may be submitted up until your public hearing, though you are strongly encouraged to submit these materials with your application.



Town of Belmont  
Planning Board

**APPLICATION FOR DESIGN AND SITE PLAN REVIEW**

Date: \_\_\_\_\_

Planning Board  
Homer Municipal Building  
19 Moore Street  
Belmont, MA 02478

To Whom It May Concern:

Pursuant to the provisions of Section 6D, Single and Two-family Dwellings in the General Residence Zoning Districts, of the Town of Belmont Zoning By-Law, I/We the undersigned, being owner(s) of certain parcel of land (with the buildings thereon) situated on \_\_\_\_\_ Street/Road, hereby make application to your Board for **DESIGN AND SITE PLAN REVIEW** for the erection or alteration on said premises or the use thereof under the applicable Section of the Zoning By-Law of said Town for \_\_\_\_\_

\_\_\_\_\_ on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

Petitioner(s) are further to comply with the requirements of Section 6D.4 of said Zoning By-Law.

Signature of Petitioner \_\_\_\_\_

Print Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Daytime Telephone Number \_\_\_\_\_

August 20, 2014



Town of Belmont  
Planning Board

**APPLICATION FOR A SPECIAL PERMIT**

Date: \_\_\_\_\_

Planning Board  
Homer Municipal Building  
19 Moore Street  
Belmont, MA 02478

To Whom It May Concern:

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9, as amended, and the Zoning By-Law of the Town of Belmont, I/we the undersigned, being the owner(s) of a certain parcel of land (with the buildings thereon) situated on \_\_\_\_\_ Street/Road, hereby apply to your Board for a **SPECIAL PERMIT** for the erection or alteration on said premises or the use thereof under the applicable Section of the Zoning By-Law of said Town for \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

Signature of Petitioner \_\_\_\_\_

Print Name \_\_\_\_\_

Address \_\_\_\_\_

Daytime Telephone Number \_\_\_\_\_

**Design and Site Plan Review Standards (Section 6D) and  
Special Permit Criteria (Section 7.4)**

(August 20, 2014)

A Special Permit and Design and Site Plan Approval will be granted only if the Planning Board determines that the proposal's benefits to the Town outweigh any adverse effects for the Town or the vicinity, after consideration of these standards and criteria.

As a result, please address these standards and criteria within the narrative statement of your application:

**Design and Site Plan Review Standards (Section 6D)**

- a. Scale of Building. The building shall be sited and constructed in a manner that is consistent with the scale of other structures in the neighborhood through the use of appropriate massing, front setbacks, and other architectural techniques such as variation in detail, form and siting.
- b. Design of Building. The building shall be designed consistent with the prevailing character of buildings in the neighborhood including the use of appropriate materials and other architectural techniques such as style, roof design and pitch, window design, and color. Unless the Board finds that a different design is necessary to preserve the historic or architectural significance of an existing single-family dwelling (1) front doors for each of the dwelling units shall be facing the street and not permitted to face into the side yards; and (2) the front door accessing the second unit shall be setback no greater than 25% of the front setback of the unit closest to the street.
- c. Height. The height of the building should be compatible with the style and character of the buildings in the surrounding neighborhood.
- d. Proportions. The proportions and relationships of height to width between windows, doors, and other architectural elements should be compatible with the architectural style and character of the surroundings.
- e. Building and Driveway Siting. The building and driveway shall be sited so as to work with the natural topography of the site. Re-grading should be kept to a minimum and shall be in keeping with the general appearance of the neighboring developed areas. The development shall be integrated into the existing terrain and surrounding landscape and shall maximize retention of open space; and, minimize tree, vegetation and soil removal, blasting and grade changes. No more than one curb cut shall be allowed for lots with less than 70' of frontage; except in situations where the Applicant can demonstrate that the second curb cut is in harmony with the surrounding neighborhood.
- f. Circulation. Walkways, drives and parking shall be safe and convenient and not

detract from the use and enjoyment of adjacent properties, sidewalks, and Town streets.

- g. Lighting. Exterior lighting shall be minimized and only as needed to accomplish safety and design objectives and shall be arranged so as to minimize the impact on neighboring properties.
- h. Open Space (landscape). The landscape shall be preserved in its natural state by minimizing use of any grade changes and vegetation and soil removal. The open space shall be as extensive as is practicable and the landscape shall be designed so as to add to the visual amenities of the neighborhood for persons passing the site or overlooking it from nearby properties. Reasonable efforts shall be made to save significant trees and enhance the landscaping.
- i. Relation of Structures and Spaces. The relation of a structure to the open space between it and adjoining structures should be compatible with such relations in the surrounding area.
- j. Screening. Objectionable features shall be screened from abutting properties. Consideration shall be given to the need for vegetated buffers. The larger the house, the greater the buffer that will be required.
- k. Drainage. The development shall comply with the Stormwater and Erosion Control By-Law (General By-Law Section 60-325).
- l. Street Trees. During construction, street trees shall be protected to insure their survival. The number and size of curb cuts shall be minimal to protect the roots of the trees. Construction vehicles and staging areas shall be kept away from the drip line of the trees. Where feasible, the addition of street trees is encouraged.
- m. Outdoor Mechanical Equipment. Heating, ventilation, air conditioning, electric generating, or other noise emitting equipment shall not be located within the front yard of the lot. The front yard is defined as the area between a line obtained by extending the front elevation of the dwelling to each of the sidelines of the lot and the front line of the lot. Additionally, heating, ventilation, air conditioning, electric generating, or other noise emitting equipment shall not be located within the required side or rear setbacks and not visible from the street or from the adjacent properties.

#### **Special Permit Criteria (Section 7.4)**

##### **a) Location**

1. There shall be adequate provisions for water, sewerage, stormwater drainage for the proposed use and no additional adverse impacts should be created.

2. The site should be able to accommodate the proposed use without substantial environmental impacts, impacts to valuable trees or other natural resources.
3. The site should be able to accommodate the proposed use without substantial impacts on municipal infrastructure and with minimum traffic impacts on abutting residential neighborhoods.

b) Activity Type and Mix

1. Residential proposals should serve housing needs of local residents, broaden the diversity of housing within the Town and/or provide affordable housing opportunities pursuant to Section 6.10 of these By-Laws.
2. The use should complement the character and the scale of existing buildings/uses/activities in the neighborhood and not create undesirable impacts.
3. The use shall be beneficial to the Town and fulfill a need.

c) Visual Concerns

1. Views from public ways and developed properties should be considerably treated in the site arrangement.
2. The visual impact of parking and service areas should be minimized and should be screened from abutting premises.
3. Departure from the architectural scale of buildings on abutting and nearby premises should be minimized, except where the departure would serve a town purpose.

d) Access

1. Vehicular and pedestrian access/egress should be safe and convenient and shall be designed to minimize impacts on the abutting public ways.
2. Pedestrian and vehicular movement within the site should be safe and convenient, and arranged to minimize impacts on abutters.

e) Process

1. A proposal that has been developed in consultation with municipal staff and those likely to be substantially impacted by it is preferred.
2. Mitigation to ameliorate negative impacts is required.

# **Zoning Compliance Check List**

## **Properties Located within the GR Zoning Districts**

(To be Completed by a Registered Land Surveyor)

**Property Address:** \_\_\_\_\_

**Surveyor Signature and Stamp:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<u><b>Per §4.2 of the Zoning By-Law</b></u>							
		<b>REQUIRED</b>		<b>EXISTING</b>		<b>PROPOSED</b>	
Lot Area (sq. ft.)							
Lot Frontage (feet)							
Lot Area/Unit (sq. ft./d.u.)							
Lot Coverage (% of lot)							
Open Space (% of lot)							
<b>Setbacks: (feet)</b>	➤ Front <sup>(a)</sup>						
	➤ 2nd Front Door (25%)						
	➤ Side/Side						
	➤ Rear						
<b>Building Height:</b>	➤ Feet						
	➤ Stories						
<b>1/2 Story (feet) (Per §1.4)</b>	➤ Perimeter (50%)						
	➤ Area (60%)						
	➤ Length (75%)						
<u><b>Per §6D of the Zoning By-Law</b></u>							
<b>HVAC:</b>		Prohibited in Front Yard and Side and Rear Setbacks					
<b>Front Doors:</b>		Both Must Face Street <sup>(b)</sup>					
		<b>STANDARD</b>		<b>PROPOSED</b>			
<b>Curb Cut (One per 70' Frontage) <sup>(c)</sup></b>							

- (a) Front setback is equal to the average front setbacks of the abutting properties on either side.  
 (b) The second unit's front door may be allowed to face the side yard only if the existing structure is historically or architecturally significant.  
 (c) A second curb cut may be allowed where the Applicant can demonstrate that creating a second curb cut is harmonious with the surrounding neighborhood.

**SUBMIT CALCULATIONS** for all of the requirements listed above on a separate piece of paper(s) to verify how they were calculated